

H. BUSWELL ROBERTS, JR. PLLC

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Attorney for Suemar Realty, Inc.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC., et al.,)	Case No. 08-35653 (KRH)
)	
Debtors.)	(Jointly Administered)
_____)	
)	

**RESPONSE OF SUEMAR REALTY, INC. TO LIQUIDATING TRUST'S
TWENTIETH OMNIBUS OBJECTION TO LANDLORD CLAIMS**

Suemar Realty, Inc., a previous landlord of Debtor Circuit City Stores, Inc., states the following as its response to the Liquidating Trustee's Twentieth Omnibus Objection to Landlord Claims (Docket Number 10072):

1. The Claimant's Name is Suemar Realty, Inc. ("Suemar"), which was previously a Landlord for two Circuit City Stores located in Toledo, Ohio and Holland, Ohio, respectively.
2. On April 1, 2009 Suemar filed a pre-petition Proof of Claim designated as Claim Number 12173, in the amount of \$1,336,684.17 ("Prepetition Claim"). On June 26, 2009, Suemar filed a claim for administrative expenses, Claim Number 14017, in the amount of \$166,134.65 ("Administrative Expense Claim"). The Trustee's Objection seeks to reduce Suemar's Prepetition Claim to \$1,212,856.48 and the Trustee seeks to extinguish Suemar's Administrative Claim. The Trustee has not presented any evidence to support its Objection.

3. The basis for the Trustee's requested reduction of the Prepetition Claim is the allegation that the claim is, in part, not supported by the Debtor's records or that the claim is "superseded" by the Administrative Claim. Suemar is owed all the amounts set forth in its Prepetition Claim and Suemar included documentary support for its Prepetition Claim with the claim. A copy of Suemar's Prepetition Claim is attached as Exhibit A. Suemar will make a copy of the subject leases available upon request, and Suemar will make additional documents available upon request.

4. Suemar's Administrative Proof of Claim includes the claim for the "Stub" portion of the rent, other post-petition rent it was not paid, and other post-petition amounts owed to Suemar by the Debtor. Suemar is owed all the amounts set forth in its Administrative Claim. The support for the amounts to Suemar were attached to Suemar's Administrative Claim. (A copy of Suemar's Administrative Claim is attached hereto as Exhibit B.)

5. The person with personal knowledge of the relevant facts supporting the response is Bob Armstrong, Executive Vice President of Suemar, 27476 Holiday Lane, Perrysburg, OH 43551, 419-874-1933.

6. The Bankruptcy Court should overrule the objections to Suemar's two claims. Suemar is owed the amounts set forth in the Prepetition Claim and the Administrative Claim. Suemar intends to introduce documentation to support its claim through its Lease and statements of the other amounts owed. Suemar is entitled to its Prepetition Claim against Debtor and the Debtor is obligated to pay the Administrative Claim to Suemar pursuant to 11 U.S.C. §365(d)(3). See also, In re Circuit City Stores, Inc., Unreported, (Bankr. E.D. Va. February 12, 2009, 2009 Bankr. LEXIS 672; In re Trak Auto Corporation, 277 B. R. 655 (Bkrcty. E.D. Va. 2002).

7. The claimant's address, telephone number, fax number and the claimant's attorney to whom the attorneys for the Debtor should serve a reply to the response are as follows:

Suemar Realty, Inc.
Attn: Bob Armstrong,
Executive Vice President
27476 Holiday Lane
Perrysburg, OH 43551
419-874-1933

David J. Coyle (0038966)
Shumaker, Loop & Kendrick, LLP
1000 Jackson Street
Toledo, OH 43604
419-321-1418
419-241-6894 (fax)
Attorney for Suemar Realty, Inc.

8. The name, address, telephone number and fax number of the party to reconcile, settle or otherwise resolve the objection on the claimant's behalf is the attorney set forth above.

Dated: April 7, 2011

Respectfully submitted,

H. BUSWELL ROBERTS, JR. PLLC

/s/ H. Buswell Roberts Jr. VSB#77518
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Attorneys for Suemar Realty, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2011, I caused a copy of the foregoing **Response of Suemar Realty, Inc. to Liquidating Trust's Twentieth Omnibus Objection to Landlord Claims** to be served electronically on the "2002" and "Core" lists through the ECF system.

H. BUSWELL ROBERTS, JR. PLLC

/s/H. Buswell Roberts Jr. VSB#77518
H. Buswell Roberts, Jr.
Attorneys for Suemar Realty, Inc.